

WARREN ZONING BOARD OF REVIEW

June 17, 2015

Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:25 pm by Chairman S. Calenda. Also present was Vice Chairman P. Attemann, A. Harrington, M. Smiley, A. Ellis, and 2nd Alternate W. Barrett Holby. Excused was 1st Alternate M. Emmencker.

Approval of Minutes May 20, 2015 meetings It was moved by A. Harrington to accept the May 20, 2015 minutes. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Old Business

Application #15-15, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential building in a village business district.

Application #15-16, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Variance from section 32-130 (definitions, Mixed Use, Residential) of the Warren Zoning Ordinance to allow a building to be remodeled so that a proposed residential unit and a commercial unit are on the same floor.

Mark Matrone, president of Andrade Equipment Company, LLC, was present to give testimony for Application #15-15, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Special Use Permit under section 32-47 and Application #15-16, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Variance from section 32-130. Mr. Andrade stated that he was seeking relief for the zoned commercial use to a residential unit. There has never been parking with this building where 8 (eight) employees currently work on the first and second floors. There is an interior stairway only with the exception of the fire escape. He explained that it being residential may cause less of a need for parking as the tenant would be a work all day or perhaps use public transit.

Public Comment

Ilene Collins, 26 State St, asks the Board to take into consideration the area and she is concerned it will hurt the Town economically.

Robin Remy, 21 Avenue A, stated it is an inappropriate use of the space and afraid that the tenants having no outside area will put plastic chairs on the sidewalk.

It was moved by A. Ellis to approve Application #15-15, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential

building in a village business district. In granting of the Special Use a finding of fact, this use will be compatible with the neighboring land use principle because there is a mix of commercial and residential land use as there are businesses up and down Child St. and in the general surrounding area. After hearing testimony there is no indication that this would create a hazard in the area, in fact it is going to occupy a currently vacant piece of real estate and this will improve the safety of the neighborhood by it being occupied. It will be compatible with the Comprehensive Plan which speaks to creating a mix of living and working environment. It will serve the public convenience and welfare as it will provide housing options in the downtown area. The granting shall be conditional that the applicant is to seeking an advisory opinion from the Voluntary Historical Committee and it is recommended that the store front character is to remain unaltered so the appearance will remain to fit in with the surrounding area. Second by A. Harrington. Yea - Chairman S. Calenda, M. Smiley, A. Harrington and A. Ellis. Nay - Vice Chairman P. Attemann 4-1

Application #15-16 - Public Comment – NONE

It was moved by A. Ellis to approve Application #15-16, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Variance from section 32-130 (definitions, Mixed Use, Residential) of the Warren Zoning Ordinance to allow a building to be remodeled so that a proposed residential unit and a commercial unit are on the same floor. In granting this Variance with the following finding of fact, the hardship suffered by the applicant is due to the unique character of the land or structure in that the structure was pre-existing occupied the entire area of the land, it has pre-existing commercial units on the two floors of the two story portion of the building. The hardship was not due to any prior action or for financial gain as the building was a pre-existing configuration and not previously altered by the applicant. This application is not going to alter the surrounding character of the neighborhood and it conforms with the Comprehensive Plan as previously state there is mixed use and businesses in this area. The relief being granted in converting this unit on the first floor for residential purposes is the least amount of relief necessary in asking thconverting this unit on the first floor it is the least amount of relief necessary asking only for one portion of this floor to be converted to a residence. Second by M. Smiley. Yea - Chairman S. Calenda, M. Smiley, A. Harrington and A. Ellis. Nay - Vice Chairman P. Attemann 4-1

New Business

Application #15-25, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Variance from section 32-105 of the Warren Zoning Ordinance to allow a mixed use residential building with less than required off street parking spaces in a village business zoning district.

Public Comment – NONE

It was moved by A. Ellis to approve Application #15-25, Andrade Equipment Company, LLC, owners and applicants, 10 Child St, Plat Map 4, Lot 28, request for a Variance from section 32-105 of the Warren Zoning Ordinance to allow a mixed use residential building with

less than required off street parking spaces in a village business zoning district. In granting of the Variance a finding of fact, the lack of parking is due to the unique characteristics of the land or structure, the structure occupies 90% of the land allowing no room on the lot for parking. The hardship of pre-existing conditions is not a result of any prior action of the applicant or simply for financial gain. This will not alter the surrounding character and conforms with the Comprehensive Plan as a number of other buildings in the same area that occupy all or nearly all of their lots and do not offer on-site parking. The relief being granted is the least amount of relief necessary as there is no parking as previously stated and by making this a residence it may actually lessen the burden then if were to be for working space. Second M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Application #15-26, Arruda Andrew & Deborah, owners and applicants, 28 Brownell St, Plat Map 16, Lot 173 & 173A, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to construct a deck, replacing an existing deck, closer to a side lot line than allowed in a Village Residential Overlay District.

Deborah Arruda, owner and applicant was present to give testimony. Ms. Arruda stated that they were replacing only the first floor of the existing deck with Azek (or like) material. After consulting with the Architect that drew the plans this was the best available option.

Public Comment – NONE

It was move by A. Harrington to approve Application #15-26, Arruda Andrew & Deborah, owners and applicants, 28 Brownell St, Plat Map 16, Lot 173 & 173A, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to construct a deck, replacing an existing deck, seeking to obtain a 3' side yard setback where 10' is required in a Village Residential Overlay District. Finding of fact, they are simply replacing a pre-existing structure and the hardship is due to the unique characteristics of the lots in this area. The hardship is not the result of a prior action of the applicant or for the applicant's desire of greater financial gain. The granting of this Variance will not alter the characteristics of the surrounding area. The relief being requested is the least amount of relief necessary to maintain what they current have. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Application #15-28, Dana Wright, owner and John Sheridan, applicant, 3 Touisset Rd, Plat Map 16, Lot 301, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to allow construction of an addition closer to front and side yard lot lines than allowed in a Village Residential Overlay District.

John Sheridan, Sheridan Associates, 64 Church St, Warren, designer, was present to give testimony for Application #15-28, Dana Wright, owner and John Sheridan, applicant, 3 Touisset Rd, Plat Map 16, Lot 301, request for a Variance from section 32-77.1. Mr. Sheridan explained that the existing property is a small one story one bedroom that the owner would like to put a second floor over the existing first floor footprint and as well as a small two story addition in the rear. The existing garage will stay where it is and become enclosed. A portion

of the rear of the garage will be removed as well as some of the front deck, this will allow them to remain under the lot coverage requirement.

Public Comment – NONE

It was moved by P. Attemann to approve Application #15-28, Dana Wright, owner and John Sheridan, applicant, 3 Touisset Rd, Plat Map 16, Lot 301, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to allow construction of an addition closer to front and side yard lot lines than allowed in a Village Residential Overlay District. After hearing testimony from the applicant and reviewing the material presented to the Board, part of the relief is due to the unique shape of the existing lot which clips the across the front corner of the lot and creates the existing encroachments. The existing non-conforming is not due to the current applicant's prior actions it is an existing non-conformance. The granting of the request will not alter the general characteristics of the surrounding area as it will be keeping the same footprint and in some places reducing it. The side yard setback and existing setback encroachment is not in excess of one-third of the required. The request is the least amount of relief necessary, the applicant is remove a portion of the existing building and deck to allow them to remain within the 20% lot coverage. Second A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Application #15-29, Tourister Mill, LLC, owner and Ava Anderson, LLC, applicant, 91 Main St, Plat Map 1, Lots 4 & 10 and Plat Map 2, Lots 1, 2 & 19, request for a Special Use Permit from sections 32-55 and 32-57 of the Warren Zoning Ordinance to allow wholesale storage of non-flammable and non-explosive materials within a structure and compounding and packaging of natural personal products in a Special Zoning District.

Discussion ensues if Application #15-29 has been or needs to go before the Planning Board as the proposed site is in the Waterfront Overlay District.

Recess at 8:22 PM Resumed 8:31 PM

After the Chairman S. Calenda consults with Solicitor DeSisto, it is determined that this application does need to go before the Planning Board.

Mr. Cox requests a continuance of Application #15-29 to next week to be determined on availability of space.

It was moved by A. Ellis to accept the applicant's proposal and grant the continuance Application #15-29, Tourister Mill, LLC, owner and Ava Anderson, LLC, applicant, to June 24, 2015, Special Zoning Board Meeting, Senior Center at 7:00 PM. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Application #15-30, Carol Baggott, Trustee, owner and applicant, 12 Shell Rd, Plat Map 16, Lots 199 & 200, request for a Variance from section 32-89 of the Warren Zoning Ordinance to allow repair of an OWTS closer to a body of water than allowed in a Village Residential Overlay District.

Carol Baggott, owner and applicant was present to give testimony. Ms. Baggott explained that she is abandoning her cesspool and replacing it with an OWTS. She also stated that she has received final approval from DEM on this plan.

Michael Campopiano, C & M Excavation, 18 Third St, Bristol, was available to give testimony. Mr. Campopiano explained that after meeting and consulting with DEM at the site, this was the best location.

Public Comment – NONE

It was moved by P. Attemann to approve Application #15-30, Carol Baggott, Trustee, owner and applicant, 12 Shell Rd, Plat Map 16, Lots 199 & 200, request for a Variance from section 32-89 of the Warren Zoning Ordinance to allow repair of an OWTS closer to a body of water than allowed in a Village Residential Overlay District. After hearing testimony from the applicant and their engineer, finding of fact the hardship is due to the unique characteristics of the land and not due to any prior action of the applicant. Also a finding of fact, after hearing testimony that they meet with a DEM official, have DEM approval and have located the most appropriate location on the property for the new system, which is 80' from their existing well, it will not create a hazard or nuisance to the surrounding area. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Application #15-31, Emily Rose, Trustee, owner and applicant, 56 Brownell St, Plat Map 16, Lot188, request for a Variance from section 32-89 of the Warren Zoning Ordinance to allow a repair of an OWTS closer to a body of water than allowed in a Village Residential Overlay District.

Claudia Campopiano represented Emily Rose as it was difficult for her to be present.

Michael Campopiano, C & M Excavation, 18 Third St, Bristol, designer, was available to give testimony. Mr. Campopiano explained after consulting with DEM, this was the best location and DEM has given their approval.

Submitted for the record a letter from the Touisset Water Authority.

Public Comment – NONE

It was moved by P. Attemann to approve Application #15-31, Emily Rose, Trustee, owner and applicant, 56 Brownell St, Plat Map 16, Lot188, request for a Variance from section 32-89 of the Warren Zoning Ordinance to allow a repair of an OWTS closer to a body of water

than allowed in a Village Residential Overlay District. Finding of fact, although it is within 150' they are required to stay 50' away from the Bluff. After hearing testimony this is the only acceptable location for the system. Second by M. Smiley. - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Harrington and A. Ellis. 5-0

Vice Chairman P. Attemann recues.

2nd Alternate W. Barrett Holby assumes seat.

Application #15-32, Kingsgrove Investments, LLC, owners and applicants, 561 Metacom Ave., and Sachem St, Plat Map 13C, Lots 4, 5, 6, 7 & 57, request for a Special Use Permit from sections 32-74 and 32-29 to 31 of the Warren Zoning Ordinance to enlarge the existing lawful non-conforming manufacturing use by less than 25% and granting corresponding dimensional relief of less than 25%.

Application #15-33, Kingsgrove Investments, LLC, owners and applicants, 561 Metacom Ave., and Sachem St, Plat Map 13C, lots 4, 5, 6, 7 & 57, request for a Variance from sections 32-26 and 32-28 of the Warren Zoning Ordinance to allow an increase in building coverage from 29% to 33%.

William Landry, Esq, Blish & Cavanaugh, 30 Exchange Terrace, Providence, RI, legal counsel to Kingsgrove Investments, LLC., was present to give testimony for Applications # 15-32 & #15-33. Mr. Landry explained that the additional space would be used for manufacturing, increase to the south side of the building on the first floor an addition of 5,730 sq. ft. On the second floor they would be adding 2,818 sq. ft. and on the north side of the building there is a bump out for a boiler room 140 sq. ft.

Peter King owner of Kingsgrove Investments, LLC and Water Rower was present to give testimony for Applications # 15-32 & #15-33.

Application #15-32 – Public Comment - NONE

It was moved by A. Ellis to approve Application #15-32, Kingsgrove Investments, LLC, owners and applicants, 561 Metacom Ave., and Sachem St, Plat Map 13C, Lots 4, 5, 6, 7 & 57, request for a Special Use Permit from sections 32-74 and 32-29 to 31 of the Warren Zoning Ordinance to enlarge the existing lawful non-conforming manufacturing use by less than 25% and granting corresponding dimensional relief of less than 25%. Finding of fact that the use is compatible with the neighboring land use, there are other businesses all along the Metacom Avenue corridor and this would be compatible with those uses. After hearing testimony there is no indication that there would be any hazard caused by this expansion. The expansion is compatible with the comprehensive plan which encourages development of business and investment in the Town of Warren. Further finding of fact this expansion will serve the public convenience and welfare by continuing to add to the community.

The granting of this application shall be conditional, that the parking layout shown for this property be fully compliant with the landscaping requirements of the Zoning Ordinance. It shall also be contingent on the future phase being built the parking indicated at the eastern end of the property be removed as the applicant stated. Should he decide to leave that parking in place after that phase it that will also need to be in compliance with the landscaping requirements of the Ordinance. The applicant is also to adhere to the guide lines set forth for operating hours of manufacturing. Second by W. Barrett Holby. Yea - Chairman S. Calenda, W. Barrett Holby, A. Harrington, M. Smiley, and A. Ellis.

Application #15-33 – Public Comment - NONE

It was moved by A. Ellis to approve Application #15-33, Kingsgrove Investments, LLC, owners and applicants, 561 Metacom Ave., and Sachem St, Plat Map 13C, lots 4, 5, 6, 7 & 57, request for a Variance from sections 32-26 and 32-28 of the Warren Zoning Ordinance to allow an increase in building coverage from 29% to 33%. The granting of this Variance finding of fact, the hardship is resulting from the unique character of the land or structure, the structure is pre-existing and the land and boundaries are set and there are only so many options that can occur. The hardship does not result from prior action of the applicant, the building was already there and this is a marginal way to increase his business operation. The granting of this Variance will not alter the surrounding neighborhood, is compatible with the Comprehensive Plan, as there are other business of similar scale in the surrounding area. It will be compatible with the intent of the development in Town and demonstrate the least amount of relief necessary to a marginal feasible level of production. Second by W. Barrett Holby. Yea - Chairman S. Calenda, A. Harrington, M. Smiley, A. Ellis and W. Barrett Holby.

Vice Chairman P. Attemann resumes his seat.

Administrative Matters - NONE

Adjourn M. Smiley moved to adjourn the meeting at 9:56 PM. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis.

Respectfully submitted,

Rhonda Lee Fortin